

Executive Summary – Enforcement Matter – Case No. 49123
Terra Verde Utility Company, LLC
RN102681483
Docket No. 2014-1154-MWD-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MWD

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Houston Oaks Estates WWTF, 22602 Hegar Road on the southwest end of the Houston Oaks Country Club Lake, Hockley, Waller County

Type of Operation:

Wastewater treatment facility

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: January 2, 2015

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,750

Amount Deferred for Expedited Settlement: \$1,950

Amount Deferred for Financial Inability to Pay: \$0

Total Paid to General Revenue: \$7,800

Total Due to General Revenue: \$0

Payment Plan: N/A

SEP Conditional Offset: \$0

Name of SEP: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Executive Summary – Enforcement Matter – Case No. 49123
Terra Verde Utility Company, LLC
RN102681483
Docket No. 2014-1154-MWD-E

Investigation Information

Complaint Date(s): N/A
Complaint Information: N/A
Date(s) of Investigation: July 22, 2014
Date(s) of NOE(s): July 31, 2014

Violation Information

Failed to comply with permitted effluent limits for ammonia nitrogen, *Escherichia coli*, and daily average flow [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014901001, Effluent Limitations and Monitoring Requirements No. 1].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to within 90 days, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014901001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: N/A
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: N/A

Executive Summary – Enforcement Matter – Case No. 49123
Terra Verde Utility Company, LLC
RN102681483
Docket No. 2014-1154-MWD-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Gregory Zychowski, Enforcement Division,
Enforcement Team 3, MC 169, (512) 239-3158; Candy Garrett, Enforcement Division,
MC 219, (512) 239-1456

TCEQ SEP Coordinator: N/A

Respondent: Steven D. Alvis, President, Terra Verde Utility Company, LLC, 17230
Huffmeister Road, Suite A, Houston, Texas 77429

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	11-Aug-2014	Screening	12-Aug-2014	EPA Due	
	PCW	24-Sep-2014				

RESPONDENT/FACILITY INFORMATION	
Respondent	Terra Verde Utility Company, LLC
Reg. Ent. Ref. No.	RN102681483
Facility/Site Region	12-Houston
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	2
Enf./Case ID No.	49123	Order Type	1660
Docket No.	2014-1154-MWD-E	Government/Non-Profit	No
Media Program(s)	Water Quality	Enf. Coordinator	Gregory Zychowski
Multi-Media		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$7,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	30.0%	Enhancement	Subtotals 2, 3, & 7	\$2,250
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Notes: Enhancement for five months of self-reported effluent violations and one NOV with same or similar violations.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$1,051
Estimated Cost of Compliance \$10,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$9,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,750
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,950
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$7,800
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Screening Date 12-Aug-2014

Docket No. 2014-1154-MWD-E

PCW

Respondent Terra Verde Utility Company, LLC

Policy Revision 4 (April 2014)

Case ID No. 49123

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102681483

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 30%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for five months of self-reported effluent violations and one NOV with same or similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 30%

Screening Date 12-Aug-2014

Docket No. 2014-1154-MWD-E

PCW

Respondent Terra Verde Utility Company, LLC

Policy Revision 4 (April 2014)

Case ID No. 49123

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102681483

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014901001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on July 22, 2014, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

A simplified model was used to evaluate flow and ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels that are protective of human health or the environment. Human health or the environment has been exposed to insignificant amounts of pollutants that do not exceed levels that are protective of human health or environmental receptors as a result of the violations.

Adjustment \$23,750

\$1,250

Violation Events

Number of Violation Events 3

182 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

Three quarterly events are recommended for the quarters containing the months of May 2013, July 2013, and November 2013 through February 2014.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,051

Violation Final Penalty Total \$4,875

This violation Final Assessed Penalty (adjusted for limits) \$4,875

Economic Benefit Worksheet

Respondent Terra Verde Utility Company, LLC
Case ID No. 49123
Reg. Ent. Reference No. RN102681483
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-May-2013	7-Jul-2015	2.10	\$1,051	n/a	\$1,051

Notes for DELAYED costs

Estimated costs to determine the cause of noncompliance and take necessary actions to maintain compliance with permitted effluent limits. Date required is the first month of noncompliance. Final date is the expected date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$1,051

Screening Date 12-Aug-2014

Docket No. 2014-1154-MWD-E

PCW

Respondent Terra Verde Utility Company, LLC

Policy Revision 4 (April 2014)

Case ID No. 49123

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN102681483

Media [Statute] Water Quality

Enf. Coordinator Gregory Zychowski

Violation Number 2

Rule Cite(s)

Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014901001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limits, as documented during a record review conducted on July 22, 2014, and shown in the attached violation table.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual		x	
Potential			

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Preliminary screening and site-specific factors were used to evaluate *E. coli* bacteria to determine whether the discharged amounts of pollutants exceeded levels that are protective of human health or the environment. Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

30 Number of violation days

mark only one
with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One monthly event is recommended for the month of June 2013.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$4,875

This violation Final Assessed Penalty (adjusted for limits) \$4,875

Economic Benefit Worksheet

Respondent Terra Verde Utility Company, LLC
Case ID No. 49123
Reg. Ent. Reference No. RN102681483
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See Economic Benefit Worksheet for Violation No. 1.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

Terra Verde Utility Company, LLC
Docket No. 2014-1154-MWD-E
TPDES Permit No. WQ0014901001

Effluent Parameter Violation Table

	Ammonia Nitrogen			Flow	<i>E. coli</i>	
	DAV Concentration	SG Concentration	DAV Loading	DAV Flow	DAV Concentration	SG Concentration
Month/Year	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 0.25 lb/d	Limit = 0.010 MGD	Limit = 63 CFU/100 mL	Limit = 200 CFU/100 mL
May 2013	6.5	18.2	0.5755	0.0101	c	c
June 2013	9.4	22.4	c	c	1,553.1	1,553.1
July 2013	15.86	30.8	0.463	c	c	c
November 2013	11.2	29.4	c	c	c	c
December 2013	5.71	19.6	c	c	c	c
January 2014	6.76	26.8	c	c	c	c
February 2014	7.23	c	c	c	c	c

c = compliant

CFU/100 mL = colony-forming units per 100 milliliters

DAV = daily average

E. coli = *Escherichia coli*

lb/d = pounds per day

MGD = million gallons per day

mg/L = milligrams per liter

SG = single grab

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



TCEQ Compliance History Report

PENDING Compliance History Report for CN603266867, RN102681483, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN603266867, Terra Verde Utility Company, LLC	Classification:	SATISFACTORY	Rating:	1.60
Regulated Entity:	RN102681483, HOUSTON OAKS ESTATES WWTP	Classification:	SATISFACTORY	Rating:	1.60
Complexity Points:	9	Repeat Violator:	NO		
CH Group:	08 - Sewage Treatment Facilities				
Location:	22602 HEGAR ROAD ON THE SOUTHWEST END OF THE HOUSTON OAKS COUNTRY CLUB LAKE, HOCKLEY, WALLER COUNTY, TEXAS 77447				
TCEQ Region:	REGION 12 - HOUSTON				

ID Number(s):

WASTEWATER PERMIT WQ0014901001

WASTEWATER PERMIT WQ0014624001

WASTEWATER EPA ID TX0127906

AIR NEW SOURCE PERMITS REGISTRATION 55767

WATER LICENSING LICENSE 2370030

WASTEWATER EPA ID TX0086053

WASTEWATER EPA ID TX0127973

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
2370030

WASTEWATER LICENSING LICENSE WQ0012402001

UNDERGROUND INJECTION CONTROL PERMIT
5X2600345

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: September 24, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 28, 2009 to August 28, 2014

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Greg Zychowski

Phone: (512) 239-3158

Site and Owner/Operator History:

- | | |
|--|-----|
| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |
| 3) If YES for #2, who is the current owner/operator? | N/A |
| 4) If YES for #2, who was/were the prior owner(s)/operator(s)? | N/A |
| 5) If YES , when did the change(s) in owner or operator occur? | N/A |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	September 22, 2009	(814346)	Item 25	January 22, 2012	(1081522)
Item 2	October 15, 2009	(814347)	Item 26	February 22, 2012	(999133)
Item 3	November 17, 2009	(814348)	Item 27	February 24, 2012	(999134)
Item 4	December 14, 2009	(814349)	Item 28	February 29, 2012	(999132)
Item 5	January 25, 2010	(814350)	Item 29	March 16, 2012	(1004660)
Item 6	February 18, 2010	(814342)	Item 30	April 18, 2012	(1011236)
Item 7	March 29, 2010	(834255)	Item 31	May 15, 2012	(1017594)
Item 8	April 19, 2010	(834256)	Item 32	June 20, 2012	(1025390)
Item 9	May 13, 2010	(834257)	Item 33	July 20, 2012	(1032731)
Item 10	June 22, 2010	(847307)	Item 34	August 15, 2012	(1039157)
Item 11	June 30, 2010	(861750)	Item 35	September 20, 2012	(1048110)
Item 12	August 26, 2010	(868151)	Item 36	November 16, 2012	(1066922)
Item 13	September 22, 2010	(875079)	Item 37	December 20, 2012	(1066923)
Item 14	October 21, 2010	(882685)	Item 38	March 19, 2013	(1090548)
Item 15	November 29, 2010	(889098)	Item 39	April 18, 2013	(1096901)
Item 16	December 21, 2010	(897473)	Item 40	May 21, 2013	(1107866)
Item 17	January 20, 2011	(903365)	Item 41	September 18, 2013	(1130741)
Item 18	February 18, 2011	(910280)	Item 42	October 16, 2013	(1136505)
Item 19	March 21, 2011	(917495)	Item 43	November 18, 2013	(1141891)
Item 20	April 20, 2011	(928515)	Item 44	April 11, 2014	(1175538)
Item 21	May 06, 2011	(906604)	Item 45	May 20, 2014	(1181733)
Item 22	June 29, 2011	(953861)	Item 46	June 17, 2014	(1188633)
Item 23	July 21, 2011	(953862)			
Item 24	October 25, 2011	(972533)			

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- 1 Date: 11/30/2013 (1148355) CN603266867
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 2 Date: 12/31/2013 (1154424) CN603266867
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 3 Date: 01/13/2014 (1132421) CN603266867
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 317 317.4(a)(8)
30 TAC Chapter 317 317.7(i)
Description: Failed to test the reduced-pressure principal backflow prevention assembly (RPBA) annually.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Effluent Limits & Monit Req'mnts No. 1. OP
Description: Failed to maintain compliance with the permitted effluent limits.

- 4 Date: 01/31/2014 (1161750) CN603266867
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

- 5 Date: 02/28/2014 (1168374) CN603266867
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

6

Date: 06/30/2014 (1194299)

CN603266867

Self Report? YES

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TERRA VERDE UTILITY
COMPANY, LLC
RN102681483**

**§ BEFORE THE
§
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2014-1154-MWD-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Terra Verde Utility Company, LLC ("Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment facility located at 22602 Hegar Road on the southwest end of the Houston Oaks Country Club Lake in Hockley, Waller County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on August 1, 2014.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Nine Thousand Seven Hundred Fifty Dollars (\$9,750) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Seven Thousand Eight Hundred Dollars (\$7,800) of the administrative penalty and One Thousand Nine Hundred Fifty Dollars (\$1,950) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014901001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on July 22, 2014 and shown in the violation table below.

Effluent Parameter Violation Table						
	Ammonia Nitrogen			Flow	<i>E. coli</i>	
	DAV Concentration	SG Concentration	DAV Loading	DAV Flow	DAV Concentration	SG Concentration
Month/Year	Limit = 3 mg/L	Limit = 15 mg/L	Limit = 0.25 lb/d	Limit = 0.010 MGD	Limit = 63 CFU/100 mL	Limit = 200 CFU/100 mL
May 2013	6.5	18.2	0.5755	0.0101	c	c
June 2013	9.4	22.4	c	c	1,553.1	1,553.1
July 2013	15.86	30.8	0.463	c	c	c
November 2013	11.2	29.4	c	c	c	c
December 2013	5.71	19.6	c	c	c	c
January 2014	6.76	26.8	c	c	c	c
February 2014	7.23	c	c	c	c	c

c = compliant

CFU/100 mL = colony-forming units per 100 milliliters

DAV = daily average

E. coli = *Escherichia coli*

lb/d = pounds per day

MGD = million gallons per day

mg/L = milligrams per liter

SG = single grab

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Terra Verde Utility Company, LLC, Docket No. 2014-1154-MWD-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0014901001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the

Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

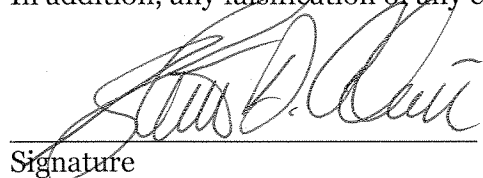
3/25/15
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.


Signature

11-25-14
Date

Steven D. Alvis
Name (Printed or typed)
Authorized Representative of
Terra Verde Utility Company, LLC

Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Section IV, Paragraph 1 of this Agreed Order.